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PATENT

Attorney Docket No. 0320-0016 HOOV 116

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/015,303

Filed: December 12, 2001

Group Art No.: 3739

Examiner: Rosiland S. Rollins

For: TRANSMURAL ABLATION DEVICE  
WITH THERMOCOUPLE FOR  
MEASURING TISSUE TEMPERATURECERTIFICATE OF MAILING BY "EXPRESS  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Certificate of Mailing Under 37 CFR 1.10I hereby certify that the correspondence listed below is being  
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CFR 1.10 on **September 24, 2004** and is addressed to: Mail Stop  
Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450:

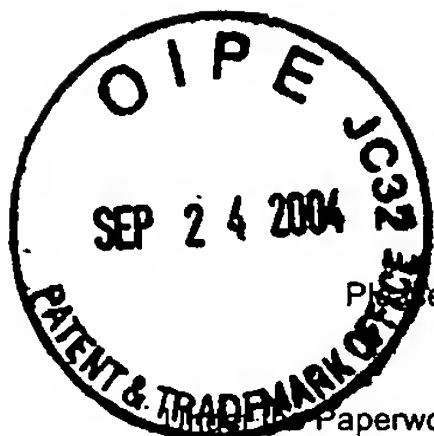
1. Transmittal Form PTO/SB/21 (1 sheet);
2. Information Disclosure Statement (3 sheets);
3. PTO/SB/08A (1 sheet);
4. U.S. Patent Publications (3);
5. Fee Transmittal Form PTO/SB/17 (1 sheet);
6. Check No. 18221 in the amount of \$180.00
7. Second Request for Furnishing of Initialed Copies of  
Certain Pages of Previously Submitted Information  
Disclosure Statements
8. Certificate of Mailing (1 sheet); and
9. Return Receipt Postcard.

09/28/2004 JBALINAN 00000018 10015303

01 FC:1806

100:00-0P

Name: Renée BarthelSignature: 



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/015,303
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Group Art Unit	3739
Examiner Name	Rosiland S. Rollins
Attorney Docket Number	(HOOV 116) 0320-0016

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group   |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                                  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Second Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):   |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | - 3 Patent Publications   |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> Request for Refund   | - Certificate of Mailing  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      | - Return Receipt Postcard   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | Remarks   | - PTO/SB/08A (1 sheet)  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | By U.S. Postal Service Express Mail<br>Label No. EV 459450093 US                        | - 2nd Request for Furnishing of Initialed Copies of Certain Pages of Previously Submitted Information Disclosure Statements |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

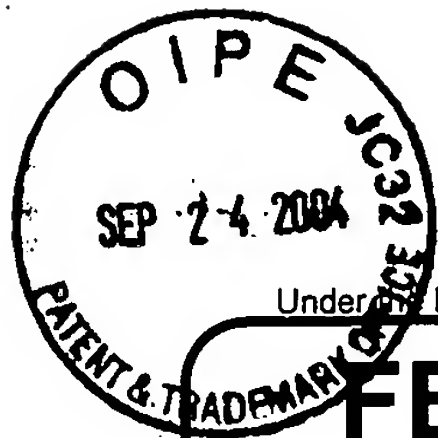
Firm or Individual name	Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. Renée Barthel, Registration No. 48,356
Signature	
Date	September 24, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as ~~Express~~ <sup>Express</sup> mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 24, 2004

Typed or printed name	Renée Barthel	Date	September 24, 2004
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 180.00)

**Complete if Known**

Application Number	10/015,303
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Examiner Name	Rosiland S. Rollins
Art Unit	3739
Attorney Docket No.	0320-0016

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

50-1039

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)

Renee C. Barthel

Registration No.  
(Attorney/Agent)

48,356

Telephone 312-236-8500

Signature

Date

September 24, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
Attorney Docket No. (0320-0016) HOOV 116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/015,303

Filed: December 12, 2001

Group Art No.: 3739

Examiner: Rosiland S. Kearney

For: TRANSMURAL ABLATION DEVICE  
WITH THERMOCOUPLE FOR  
MEASURING TISSUE TEMPERATURE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Date of Deposit September 24, 2004

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NAME Renée Barthel

SIGNATURE 

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration.

No inference should be drawn that any method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is

necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

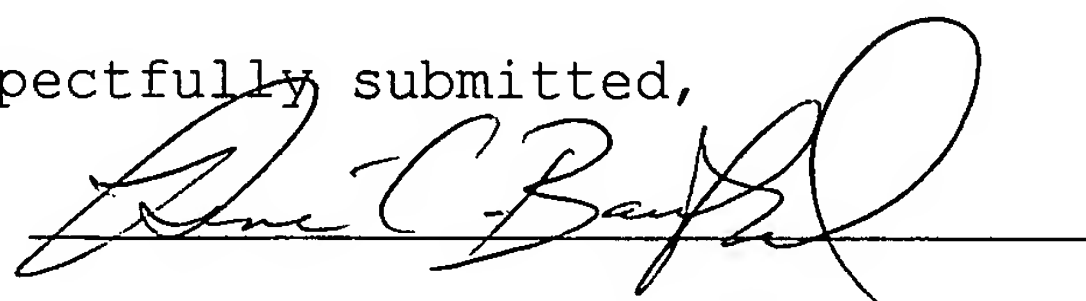
The first reference cited was first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/328,057 filed on December 23, 2002. The second and third cited references were first called to Applicant's attention in an Office Action dated September 8, 2004 in related Application Number 10/015,868 filed on December 12, 2001. Accordingly, pursuant to 37 C.F.R. § 1.97(e)(2), it is hereby stated: no item of this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best knowledge of the person signing this certification after making a reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing of this information disclosure statement.

A Notice of Allowance has been received in this case. Accordingly, pursuant to 37 C.F.R. §1.97 (d), in addition to the above statement, a check is enclosed in the amount of \$180.00, the fee for the submission of this Information Disclosure Statement. If any additional fee is required, then authorization is hereby given to charge that amount to Deposit Account 50-1039.

Date: September 24, 2004

Respectfully submitted,

By:

A handwritten signature in dark ink, appearing to read "Renée C. Barthel", is written over a horizontal line.

Renée C. Barthel, Esq.  
Registration No. 48,356  
Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams St., Suite 2850  
Chicago, IL 60606  
Telephone: (312) 236-8500

Attorneys for Applicant





Substitute is subject to

PTO/SB/08A (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

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**(Use as many sheets as necessary)**

Sheet	1	of	1
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**Complete if Known**

Application Number	10/015,303
Filing Date	December 12, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Kearney
Attorney Docket Number	0320-0016(HOOV 116)

## U. S. PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.**

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PATENT

Attorney Docket No. 0320-0016 (formerly HOOV 116)

IN THE UNITED STATES PATENT AND TRADEMARK

In Re application of: )  
 )  
Michael D. Hooven )  
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Serial No. 10/015,303 )  
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For: TRANSMURAL ABLATION )  
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Name: Renée C. Barthel

Signature: 

Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND REQUEST FOR FURNISHING OF INITIALED COPIES OF CERTAIN PAGES OF PREVIOUSLY SUBMITTED INFORMATION DISCLOSURE STATEMENTS**

This request is being submitted by applicant for the purpose of obtaining copies of certain pages of previously submitted information disclosure statements after such pages have been initialed by the Examiner. Applicants respectfully request copies of such initialed pages so as to ensure the documents listed on these pages have been brought to the attention of the Examiner in this application.

In particular, applicant calls the Examiner's attention to enclosed pages: (1) pages are page 1 of the PTO/SB/08A Form of



an IDS mailed by applicants on June 9, 2004, listing U.S. Pat. Nos. 6,692,491, and 6,050,996 to Phan and Schmaltz, respectively; and (2) page 1 of the PTO/SB/08A Form of an IDS mailed by applicants on July 1, 2004, listing U.S. Pat. No. 6,679,882 to Kornerup. The Notice of Allowability, mailed July 2, 2004, did not include initialed copies of the enclosed pages of these information disclosure statements so as to indicate to applicant that the documents listed on these pages were considered by the Examiner. Therefore, applicants are resubmitting these pages for the Examiner's attention. Copies of each of the documents listed on the enclosed forms were previously mailed to the USPTO in this application and/or were provided in related U.S. Patent Application Serial Nos. 10/032,378, or 10/038,506. However, if the Examiner should need additional copies of any one or more of these documents, please contact applicants undersigned attorney and such documents will be provided.

Since this request is resubmitting copies of pages of information disclosure statements which were previously filed with the U.S. Patent Office, no additional fee is believed to be required. However, should an additional fee be required, authorization is hereby given to charge Deposit Account 50-1039. (A duplicate of this document is enclosed herewith.)

Respectfully submitted,

Date: September 24, 2004

By: 

Renée C. Barthel, Esq.  
Registration No. 48,356  
Cook, Alex, McFarron, Manzo,  
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